

# EXHIBIT A

Pamela A. Sweeney

May 09, 2016

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

= = = = =

IN RE: BLUE BUFFALO COMPANY,  
LTD. MARKETING AND SALES  
PRACTICES LITIGATION

RELATES TO: ALL CASES

Plaintiff, Case No. 4:14 MD 2562 RWS

= = = = =

Deposition of:

PAMELA A. SWEENEY

Madison, Wisconsin

May 9, 2016

Reported by: Taunia Northouse, RDR, CRR, CCP

Pamela A. Sweeney

May 09, 2016

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and copies provided to Attorneys Klorczyk  
and Yospe)(Original transcript filed with Attorney Klorczyk,  
copies provided to Attorneys Klorczyk and Yospe)

Pamela A. Sweeney

May 09, 2016

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1 DEPOSITION of PAMELA A. SWEENEY, a witness  
2 of lawful age, taken on behalf of the Plaintiffs,  
3 wherein Alexia Keil, et al., are Plaintiff, and Blue  
4 Buffalo Company, Ltd., is Defendant, pending in the  
5 United States District Court for the Eastern District  
6 of Missouri, pursuant to subpoena, before  
7 Taunia Northouse, a Registered Diplomate Reporter and  
8 Notary Public in and for the State of Wisconsin, at  
9 the offices of Verbatim Reporting, Limited,  
10 Two East Mifflin Street, Suite 102, in the City of  
11 Madison, County of Dane, and State of Wisconsin, on  
12 the 9th day of May 2016, commencing at 10:03 in the  
13 forenoon.

## A P P E A R A N C E S

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Pamela A. Sweeney

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1 PAMELA A. SWEENEY,  
2 called as a witness, being first duly sworn,  
3 testified on oath as follows:  
4

5 EXAMINATION

6 By Mr. Klorczyk:

7 Q Good morning, Ms. Sweeney. Can you please state  
8 your name and address for the record.

9 A Pam Sweeney, 2590 Richardson Street, Madison,  
10 Wisconsin 53711.

11 Q Thank you. Is that --

12 A I couldn't hear you.

13 Q Is that your legal name? Is that better?

14 A Yeah, there you go.

15 Q What's your full legal name?

16 A Pamela Sweeney.

17 Q Okay. And your middle initial or your middle name  
18 is what?

19 A My middle name is Ann or it could be S. Sometimes  
20 I use my maiden name. Sometimes I use Ann. So  
21 either Pamela Ann Sweeney or Pamela S. Sweeney.

22 Q Okay. Are you currently employed?

23 A No.

24 Q When was the last time you were employed?

25 A I don't recall. I was a substitute teacher for my

1 Q What did you talk about with your husband about  
2 today's deposition?

3 A He just said, "Get on the record that you're only  
4 there two hours." And pretty much that was it.  
5 And then we had to stop at the courthouse to file  
6 the motion to quash.

7 Q I'm sorry, what was the last part of that, what  
8 you said?

9 A We had to stop at the courthouse to file the  
10 withdrawal.

11 Q Okay. Did your husband give you any other advice  
12 about today's deposition?

13 A No.

14 Q Have you spoken with your husband before filing  
15 your objection?

16 A No.

17 Q What is your husband's name?

18 A Patrick.

19 Q Okay. And what does he do?

20 A Pardon me?

21 Q What does your husband do for a living?

22 A He's a real estate attorney.

23 Q Is he providing counsel to you in connection with  
24 your objection to this deposition?

25 A No.

1 Q Patrick Sweeney is your husband; correct?

2 A Correct.

3 Q And have you ever objected or appeared -- have you  
4 ever objected with your husband in a class action  
5 lawsuit?

6 A Can you clarify that?

7 Q Sure. Have you ever filed an objection on behalf  
8 of you and your husband to a class action lawsuit?

9 A The only thing I can think of is Western Union  
10 which I filed and he filed, so I guess we both  
11 filed.

12 Q Okay.

13 A That would be the only one.

14 Q Has your husband ever represented you as a lawyer  
15 in an objection that you filed in a class action  
16 lawsuit?

17 A I'm not sure.

18 Q We'll get to that a little bit later on. Who's  
19 Kerry Ann Sweeney?

20 A My daughter.

21 Q Do you know if she's ever filed an objection to a  
22 class action lawsuit?

23 A She has.

24 Q Do you know what cases that was in?

25 A StarKist.

1 Q Did you help her or ever help her with an  
2 objection to a class action lawsuit?

3 A We discussed it. I mean, I guess probably. I  
4 guess the answer would be yes, but she did it  
5 ultimately.

6 Q Okay. What kind of assistance did you provide  
7 her?

8 A We spoke about it.

9 Q Okay. Did you tell her -- give her any guidance  
10 on what objections to make?

11 A I don't recall.

12 Q Do you know who Christopher Bandas is?

13 A I do not.

14 Q Have you ever heard of that name?

15 A I have.

16 Q In what context have you heard of  
17 Christopher Bandas?

18 A I've just heard his name from my husband.

19 Q In what context did your husband talk about  
20 Christopher Bandas?

21 A In what context? Just that Christopher Bandas was  
22 doing something. I don't know the man. I've  
23 never met him, never talked to him. So you know  
24 what, I really don't recall, so I'm uncomfortable  
25 even answering that. So I'm just going to say I



1 don't recall because I don't want to perjure.

2 Q Has Christopher Bandas ever represented you as an  
3 objector in a class action lawsuit?

4 A No.

5 Q Do you know who David Stein is?

6 A I do not.

7 Q Have you ever heard that name before?

8 A Never.

9 Q Do you know who Thomas L. Cox, Jr., is?

10 A No.

11 Q Have you ever heard that name before?

12 A No.

13 Q Do you know who Timothy Belz is?

14 A No.

15 Q Have you ever heard that name before?

16 A No.

17 Q Have you ever heard of Matthew Belz?

18 A No.

19 Q Do you know a Joseph Darrell Palmer?

20 A I do.

21 Q How do you know him?

22 A He went to law school with Patrick.

23 Q Do you know him personally, or is he an  
24 acquaintance?

25 A What do you mean?

1 your objection?

2 A Could you repeat that?

3 Q Did you ever look for receipts prior to filing  
4 your objection?

5 A I don't keep receipts.

6 Q When was the last time that you purchased  
7 Blue Buffalo pet food?

8 A Probably the beginning of the 2016.

9 Q Have you purchased any Blue Buffalo pet food since  
10 you learned about this case?

11 A No.

12 Q Have you inquired with either Mounds or Pet World  
13 whether they have records of your purchases?

14 A No.

15 Q Did it cross your mind to do that?

16 A No.

17 Q So what led you to purchase Blue Buffalo pet foods  
18 over other brands?

19 A I think their marketing, to be honest.

20 Q What about their marketing?

21 A It just -- they have the wolf on there. It's  
22 strategically placed in the stores, I would say.

23 Q Any other reasons that you purchased Blue Buffalo?

24 A I just thought it would be a better product  
25 because they listed there were no by-products, it

1 Q So why do you think that the settlement is not  
2 fair?

3 A It's written in my objection.

4 Q Do you have any objection to the \$32 million  
5 settlement?

6 A I do not.

7 Q So you think that \$32 million is adequate for the  
8 class?

9 A I don't know. I didn't negotiate it, so I'm not  
10 really sure if it's adequate or not, but it seems  
11 reasonable.

12 Q And you're not asking the court to deny final  
13 approval on the basis that the objectors aren't  
14 receiving enough money in the settlement, though;  
15 correct?

16 A Well, in a way I am because I'm objecting to the  
17 attorneys' fees, so you take that out of the  
18 32 million.

19 Q Sure. But you're not objecting to the \$32 million  
20 in the settlement funds; correct?

21 A Correct.

22 Q So after you write, "I do not intend to appear at  
23 the final fairness hearing," you object to the  
24 attorneys' fees of \$8 million, along with  
25 \$1.4 million in costs of settlement and

1 administrative fees; correct?

2 A Correct.

3 Q What is the basis for that objection?

4 A I think it's too much.

5 Q Why do you think it's too much?

6 A Because it's almost 30 percent of the settlement.

7 Q What do you think the attorneys' fees in this case  
8 should be?

9 A I think they should cut it in half.

10 Q Why do you believe 15 percent is a fair attorneys'  
11 fee award?

12 A Because I think 30 percent is too high, and I  
13 think more should go to the class, and I think  
14 it's just too high.

15 Q Do you have an understanding of what attorneys'  
16 fees are typically in class action cases?

17 A Do I have -- do you want to clarify that?

18 Q Do you have any sense of what the typical  
19 attorneys' fees are in a class action case?

20 A They differ.

21 Q Okay. Can you provide an example?

22 A I don't know. I've seen them at 20 percent. I  
23 couldn't tell you -- no, I can't of a specific  
24 example.

25 Q Did you do any research to determine whether or

1 not a 30 percent attorneys' fee award was  
2 appropriate in this case?

3 A Do you want to clarify that?

4 Q Did you do any research to support your contention  
5 that 30 percent in attorneys' fees is too high in  
6 this case?

7 A Yeah, I looked at other ones, and I can't remember  
8 which ones, and some take a lesser percent.  
9 Others put in more time. This is high. 30 to  
10 35 percent is high.

11 Q In doing that research, did you see any cases that  
12 approved attorney fee awards of 33 percent?

13 A I do not recall.

14 Q But here you just put --

15 A I know they've asked for 30 -- I've seen it up to  
16 35 percent that was asked for.

17 And I also just saw one case where they cut  
18 \$10 million out of the attorneys' fees because the  
19 judge didn't like it.

20 Q You're aware that the entire attorneys' fees asked  
21 here is 8 million; correct?

22 A Correct.

23 Q So why did you decide to include the \$1.4 million  
24 dollars of cost, expenses and settlement  
25 administrative fees in your computation of the

1 of purchases to get a greater amount than \$10?

2 A No, no, I think --

3 Q It's okay to require proof of purchases it's your  
4 opinion?

5 A On greater amounts.

6 Q Setting aside the amounts for one moment, you  
7 don't have any objections to the fact that the  
8 settlement required class members to submit proof  
9 of purchase if they want to receive more than just  
10 \$10?

11 A No.

12 Q Does the \$200 cap affect you in this case?

13 A It does not affect me personally, no.

14 Q But you just think it's unfair?

15 A I do. I don't think it's enough. I think you  
16 guys should give up some of your attorneys' fees  
17 and put it towards that.

18 Q Are you aware that the settlement agreement  
19 provided for a pro rata increase in the event that  
20 there are settlement funds left over after the  
21 class members' claims are paid?

22 A State that again.

23 Q Are you aware that the settlement provides for a  
24 pro rata increase in the event that there's money  
25 left over in the settlement fund after class

1 Q Did he assist you in preparing this objection?

2 A No, he did not.

3 Q So turning back to page 2, are these all the  
4 cases -- all three that are listed here that you  
5 have filed objections in?

6 A To the best of my recollection. Recently, since I  
7 mailed this in, you could add Justice to the list  
8 and Snyder's pretzels. And that's to the best of  
9 my recollection.

10 Q How did you -- did you search for any records of  
11 your objections?

12 A Again, I don't have them.

13 Q Did you do anything to confirm that this list is  
14 as complete as possible?

15 A Can you state that again?

16 Q Did you do anything at all to confirm the  
17 completeness of this list?

18 A Did I do anything? No.

19 Q So you just went off your recollection?

20 A That is correct. And I wrote, "To the best of my  
21 recollection, I have objected to the following."  
22 I state that clearly.

23 Q So other than relying on your own memory, you did  
24 nothing to determine which settlements you had  
25 previously filed an objection; correct?

1 A That is correct.

2 Q Other than the two objections you just referenced  
3 that are not listed here, can you remember of any  
4 other objections that you have previously filed?

5 A No.

6 MR. KLORCZYK: Let's just take a  
7 quick break.

8 THE WITNESS: Well, you know, it's  
9 11:43, and I'd just as soon sit here for the  
10 next 13 minutes and get this done, unless you  
11 really need the break.

12 MR. KLORCZYK: I mean, I would just  
13 like to take a break to make sure I have my  
14 thoughts organized so I can ask you the  
15 remainder of my questions. So it's going to  
16 be five minutes off the record.

17 THE WITNESS: All right.

18 (Recess)

19 By Mr. Klorczyk: (Continuing)

20 Q Ms. Sweeney, are you aware if the settlement  
21 agreement was mediated?

22 A I believe it was.

23 Q Do you know who mediated it?

24 A I do not.

25 Q Have you -- so you're not aware that this was



1 mediated by a retired federal district judge,  
2 Wayne Anderson?

3 A No, I'm not.

4 MR. KLORCZYK: Julie, can you  
5 please have the court reporter mark as  
6 Exhibit 8 Judge Anderson's resume`.

7 (Exhibit No. No. 8 marked for  
8 identification)

9 Q So I'm going to represent to you that this is  
10 Judge Anderson's resume`. Just briefly read  
11 through it and let me know when you're finished.

12 A He was captain of the track team. Wonder if he  
13 still holds the hundred-yard dash.

14 I've read enough. I've read it.

15 Q Do you believe that Judge Anderson was an  
16 appropriate mediator for this matter?

17 A He seems to be qualified.

18 Q You have no reason to believe that he was not  
19 qualified to mediate this settlement, do you?

20 A I have no reason to believe that.

21 Q Who do you think is more qualified to assess the  
22 fairness of the proposed settlement, you or  
23 Judge Anderson?

24 A To assess the fairness of the settlement? To  
25 mediate -- can you -- I'm uncomfortable answering

1       that question, puts me in an uncomfortable  
2       position. Could you rephrase it?

3       Q   Who do you think is more qualified to assess the  
4       fairness of the proposed settlement, you or  
5       Judge Anderson?

6       A   Legally, Judge Anderson.

7       Q   And you have no reason to believe that his  
8       judgment was partial here?

9       A   Could you state that again?

10      Q   Do you have any reason to believe that  
11      Judge Anderson did not act fairly in mediating the  
12      Stipulation of Settlement?

13      A   No.

14      Q   Have you ever appealed one of your prior  
15      objections?

16      A   Yes.

17      Q   Do you know which one?

18      A   I'm not at liberty to discuss that.

19      Q   Why not?

20      A   I signed a nondisclosure.

21      Q   Did you file an appeal in a case called  
22      Larsen v. Trader Joe's Company?

23      A   I did not.

24                               MR. KLORCZYK: Julie, can you  
25       please introduce Ms. Sweeney Notice of Appeal

1           Larsen v. Trader Joe's Company and have it  
2           marked as Exhibit No. 9.

3                       (Exhibit No. 9 marked for  
4                       identification)

5   Q   Ms. Sweeney, have you ever seen Exhibit No. 9  
6       before?

7   A   I have not.

8   Q   Were you aware that you had filed an appeal in  
9       this case?

10  A   I was not.

11  Q   And this lawsuit was not reflected on your list of  
12       objections in your objection, was it?

13  A   It was not.

14  Q   Did you just forget about this case?

15  A   No. I didn't do this.

16  Q   Okay. Did you file an objection in the  
17       Trader Joe's case?

18  A   I believe I might have. I don't recall. But I  
19       did not do this.

20  Q   Did you authorize Joseph Darrell Palmer, who  
21       appears to have been your attorney in this matter,  
22       to file an appeal?

23  A   No, I did not.

24  Q   If you were required to post a bond on an appeal  
25       in the event that you do appeal the Blue Buffalo

1 settlement, are you capable of doing so?

2 A Depends what the appeal would be, the appeal bond  
3 would be.

4 Q Could you personally post a \$170,000 bond if  
5 required by the court to do so?

6 A Pardon me?

7 Q Could you personally post a \$170,000 bond if you  
8 were required by the court to do so?

9 A I can't answer that.

10 Q Why not?

11 A I don't have enough information.

12 Q Okay. I'm just asking if you have the financial  
13 ability to put up \$170,000 of an appellate bond if  
14 the court were to require you to do so in the  
15 event that you appeal? Do you have \$170,000 to  
16 post as an appellate bond in this case?

17 A I don't have the information to make -- answer  
18 that.

19 Q Okay. Could you post a \$10,000 appellate bond if  
20 required to do so by the court?

21 A I don't have the information to answer that.

22 Q Are you prepared to pay class counsel's fees on  
23 appeal in the event your appeal, if one is filed,  
24 is ultimately unsuccessful?

25 A I don't have the information to answer that.

1 the subpoena in this case?

2 A No.

3 Q Are you aware if any of your past objections were  
4 successful in bringing about change to a  
5 settlement agreement?

6 A I do not know.

7 Q Have you ever received compensation in connection  
8 with an objection that you have filed?

9 A I do not -- no, I have not.

10 Q You've never been paid by any lawyer for a class  
11 or a defense lawyer?

12 A State that again.

13 Q Sure. Have you ever been paid to withdraw your  
14 objection to a class action settlement?

15 A I'm not at liberty to discuss anything of that  
16 nature.

17 Q Did you voluntarily withdraw your objection in the  
18 U.S. Bank case because you or your husband  
19 received money from the class?

20 A I do not recall.

21 Q Why did you withdraw your appeal in the Larsen  
22 case?

23 A Again, I never -- I'm not a part of that. My name  
24 was -- must have been used.

25 Q Did you authorize your husband to use your name in